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April 10, 2018

**BY ECF**

Hon. Katherine B. Forrest  
United States District Judge  
United States District Court  
500 Pearl Street  
New York NY 10007

Re: *United States v. Ross William Ulbricht, et al*, 14 Cr. 68 (KBF)  
4/2/2018 Order Re Sealed Documents List

Dear Judge Forrest:

I write in on behalf of Defendant Ross Ulbricht in response to the court's order of April 2, 2018, in which the court asked the parties to advise the court as to which of the listed sealed documents the parties may not have but do now seek.

I cannot tell from the abbreviated titles provided for each of the sealed documents listed, what each listed document is or may be. I can advise the court that I do have a copy of #284, the Amended presentence report. I can also say that I have received a few documents from prior defense counsel, Mr. Dratel, which he identified as filed under seal. Those documents he provided do not show any court file stamp, however, so I cannot be sure if what I received was actually filed. I do not have copies of documents that show the document numbers shown on the list provided by the Sealed Records Clerk. For that reason, I cannot determine which of the listed sealed documents I may already have.

As post-trial counsel responsible for thoroughly researching the availability of grounds for seeking relief for Mr. Ulbricht from his conviction and sentence, I need to make sure that I have the complete court file.

For that reason, in the interest of completeness, I am requesting a copy of each of the sealed documents (including #275, the DVD) identified in the 3/29/2018-dated email message from Mary Salcedo to Joseph Pecorino.

I do note that, regarding #141, Sealed memo and decision (redacted) dated 12/22/2014, that Mr. Dratel asked the court (see #281, 9/2/2015 letter from Dratel to the court) not to unseal

the redacted portions of that document and not to unseal or disclose to the government the two *ex parte* letters referenced in the Opinion. For the reasons stated there, and because I do not have the document to review, I am asking that the court provide me with a copy of the document (#141), but that the court not unseal the redacted portion of the court's Opinion and that the court not unseal the two *ex parte* letters referenced in that Opinion.

I would also like to ask the court about some additional documents, and their availability. These documents and my questions are:

#182 Jury Note - this document is not available to me on the public docket because I "don't have permission," even though it is shown on the public docket. It is not on the list of sealed documents, either, but I would like to receive a copy.

#47, Declaration of Joshua L. Dratel - this declaration says the Exhibits referenced in the declaration will be filed under seal. They are not included in the publicly filed version. I don't see those exhibits on the list of sealed documents provided by the sealed records clerk, and wonder if the clerk can tell if those exhibits were ever filed, or if the court has copies of those exhibits.

#57, Tarbell Declaration - this declaration refers to Exhibits A - O, but none of those exhibits are attached to the publicly available version of this document. Doc. #56, government Memorandum of Law, states that the exhibits to the Tarbell Declaration in #57 are being filed under seal with the Court. I am wondering if the clerk has a record of the filing of these exhibits or if the court has copies of those exhibits.

#110, Electronic mail to the court from Lindsay Lewis, which was filed publicly, identified 5 attachments, none of which were attached to the publicly filed document. I am wondering if the clerk or the court has copies of the listed attachments. I believe I do have the first 3 identified attachments, but I don't know what the fourth, Forrest26.ltr, refers to, and I do not have a copy of what Ms. Lewis described as the "excel spreadsheet containing Mr. Ulbricht's Objections to the government's exhibits." Ms. Lewis said the spreadsheet would be filed publicly on ECF, but I don't see that document on the public docket or on the list of sealed documents. I would like to get a copy of that document.

#127, government Memorandum of Law in Opposition . . . - this document has considerable material redacted. I would like to know if the court or the sealed records clerk might have a copy of the unredacted document

Where I say above that I would like to know if either the clerk or the court has a copy of a document, I am requesting a copy of the document, if available.

As stated previously, Mr. Ulbricht also requests copies of any documents that may have been used in court proceedings in this case but which were not filed with the Clerk of the Court. It appears that the parties and the court exchanged information by email, from time to time

during the course of proceedings, and that some of those messages had attachments. It also appears that some of those attachments (items such as the defense spreadsheet showing anticipated objections to government exhibits, and the spreadsheet prepared by the parties summarizing the responses of prospective jurors from the juror questionnaires) were not publicly filed or filed under seal. Mr. Ulbricht would like to get copies of any such material.

Respectfully submitted,

/s/ Paul Grant

Paul Grant  
Counsel for Ross William Ulbricht

cc: Eun Young Choi (by ECF)  
Assistant United States Attorney